

CHAPTER 54-23.2 STATE RADIO BROADCASTING SYSTEM

54-23.2-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Director" means the director of the division of state radio.
2. "Division" means the division of state radio of the department of emergency services.
3. "System" means the state radio broadcasting system.

54-23.2-02. State radio broadcasting system. The director may purchase the necessary apparatus and equipment to construct or establish a radio broadcasting system for the state of North Dakota, which system must be used solely for the transmission of state business and information. The director is further authorized and empowered to purchase shortwave radio receiving and transmitting sets in quantities as may be most economical and to equip with shortwave radio receiving and transmitting sets all state-owned cars used in connection with law enforcement, road maintainers as the director shall determine advisable, the state penitentiary, and any other places as may furnish the speedy transmission of messages and state information. Purchases must be made by the director according to chapter 54-44.4 and rules adopted thereunder. The director is charged with the operation and maintenance of said system.

54-23.2-03. Political subdivisions may furnish receiving and transmitting sets for enforcement purposes. Each county within the state may furnish to its sheriff and deputy sheriff a shortwave length radio receiving and transmitting set which must be maintained at the expense of the county, and which must be paid for and must be the property of the county. All publicly owned automobiles used by police officers of any city or town must be equipped with shortwave length radio receiving and transmitting sets at the expense of such municipality. A city or town may also equip privately owned cars used in law enforcement work if it so desires. The director shall have the authority to sell to any county, city, or town shortwave length radio receiving and transmitting sets purchased by the director as hereinbefore provided, without any profit to the state or to the director and the funds received from such sale must be credited by the state treasurer to the director.

54-23.2-04. Broadcasting dispatches - Reports required. It is the duty of the director to broadcast all police dispatches and reports submitted, which in the director's opinion have a reasonable relation to or connection with the apprehension of criminals, the prevention of crimes, or the maintenance of peace and order in the state, including disaster emergency services. The director shall also broadcast any other statement or report upon the request of any constitutional officer, or the head of any state department, providing such message relates to state business. Every sheriff, deputy sheriff, police officer, or other person securing a shortwave length radio receiving and transmitting set under the provisions hereof, shall make a report to the director at such times and containing such information as the director shall by regulation require.

54-23.2-04.1. Lost or runaway children and missing persons. The division shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or runaway children and missing persons.
2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information that can assist appropriate agencies in recovering lost or runaway children and missing persons.
3. Establish contacts and exchange information regarding lost or runaway children and missing persons with the national crime information center.

4. Notify all enforcement agencies that reports of lost or runaway children and missing persons must be entered as soon as the minimum level of data specified by the division is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the division immediately upon notification shall enter the information into the national crime information center file.
5. Compile and retain information regarding lost or runaway children or missing persons in a separate file, in a manner that allows the information to be used by law enforcement and other agencies considered appropriate by the division, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case.
6. Provide prompt confirmation of the receipt and entry of the lost or runaway children and missing persons report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. Allow any parent, guardian, or identified family member to submit a missing persons report to the division which will be included in the division file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
8. Compile and maintain a historical data repository relating to missing persons for all of the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.
 - b. To provide a factual and statistical base for research which would address the problem of lost or runaway children and missing persons.

54-23.2-04.2. School enrollment procedures to aid identification and location of missing children.

1. When a child enrolls in a public or nonpublic school, licensed day care facility, home education, licensed day care center, licensed child care facility, headstart program, or nursery school for the first time, the school, licensed day care facility, headstart program, or school superintendent of the jurisdiction shall:
 - a. Require the child's parent, guardian, or legal custodian to present to the school, licensed day care facility, or school superintendent of the jurisdiction, within forty days of enrollment, proof of identity of the child; and
 - b. Request the appropriate school records for the child from the previous school attended by the child. The school enrolling the child shall make the request within thirty days of enrollment of the child.
2. If a child's parent, guardian, or legal custodian does not present the proof of identity required in subsection 1 within forty days of enrollment or if the school does not receive the school records of the child within sixty days of enrollment, the school, licensed day care facility, or school superintendent of the jurisdiction shall notify the missing person information program provided in section 54-23.2-04.1 and a local law enforcement authority that no proof of identity has been presented for the child.
3. A school shall transfer records or proof of identity of a child within ten calendar days upon receipt of request.

4. When a school, licensed day care facility, or school superintendent receives a notice from a law enforcement authority, parent, guardian, or legal custodian that a child who is or has been enrolled in that school or facility has been reported as a missing child, the school, licensed day care facility, or school superintendent shall:
 - a. Flag the records of the child; and
 - b. Notify the missing person information program provided in section 54-23.2-04.1 and a local law enforcement authority if a request for school records is received from any source.
5. When the division of vital records of the state department of health receives a notice from a law enforcement authority that a person is reported as missing, the division of vital records shall:
 - a. Flag the records of the individual; and
 - b. Notify the missing person information program provided in section 54-23.2-04.1 and a local law enforcement authority if a request for records is received from any source.
6. If it is necessary for law enforcement authorities to conduct an investigation on a missing child, school or day care personnel may not inform the person claiming custody of the child of the investigation while it is being conducted.
7. For purposes of this section:
 - a. "Flag the records" means marking the division of vital records, school, day care, or home education records in such a manner that any personnel viewing that record will be automatically alerted that the child or individual has been reported as missing.
 - b. "Home education" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of chapter 15.1-23.
 - c. "Proof of identity" means a certified copy of a birth certificate, a certified transcript, or similar student records from the previous school, or any other documentary evidence the school, licensed day care facility, or school superintendent considers appropriate proof of identity.
 - d. "School" or "licensed day care facility" means all elementary and secondary schools, licensed day care centers, licensed child care facilities, headstart programs, and nursery schools whether public or nonpublic.

54-23.2-05. Emergency service for certain messages. Every telegraph and telephone company operating in this state shall give emergency service to all messages or calls directed to any station of the system established herein.

54-23.2-06. Law enforcement radio equipment on private automobiles prohibited without permit. No person may equip or use in an automobile or any other motor vehicle a two-way radio equipped for transmitting and receiving on any frequency authorized for law enforcement use by the state of North Dakota within its boundaries, without first securing a permit so to do from the director upon such application as the director may prescribe. This section does not apply to the use of a two-way citizens' band radio, a two-way business radio, or a two-way amateur radio in an automobile or any other motor vehicle.

54-23.2-07. Maintenance of radio system - Personnel, equipment, and expense. The director may employ such radio operators and assistants and such radio equipment as the

director may deem necessary to carry out the provisions of this chapter and shall fix the compensation of such personnel. The cost of maintenance and operation of the system and all shortwave length radio receiving and transmitting sets owned or operated by the state must be paid out of the appropriation for this purpose.

54-23.2-08. Payment for law enforcement system. Each county shall pay the director for approximately fifty percent of the cost of the law enforcement telecommunications system, with charges to begin accruing on the first day the system becomes operational. Payments must be made on the basis of the following schedule of charges:

1. Counties having a population of less than five thousand shall pay thirty dollars per month.
2. Counties having a population of five thousand or more but less than ten thousand shall pay sixty dollars per month.
3. Counties having a population of ten thousand or more but less than fifteen thousand shall pay ninety dollars per month.
4. Counties having a population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred twenty dollars per month.
5. Counties having a population of twenty-five thousand or more shall pay one hundred sixty dollars per month.

Other law enforcement agencies may participate in the law enforcement telecommunications system upon payment for their portion of this service at actual cost. The director may adjust payments for the law enforcement system. Adjustments to the rates to reflect changes in economic conditions and the general economy become effective on each July first following the review. Whenever the director considers an adjustment, the director shall consult with representatives of state and local units of government. The director may contract with political subdivisions for the purpose of providing assistance to those political subdivisions in providing services authorized by chapter 57-40.6. The director shall deposit all revenue obtained under this chapter with the state treasurer for deposit in the state radio broadcasting system operating account. The state radio broadcasting system operating account must be expended pursuant to legislative appropriation for the operation and maintenance of the system.

54-23.2-09. Mobile data terminal and 911 service fees.

1. The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by the division for providing the service.
2. The division may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge at least twenty cents per telephone access line and wireless access line for 911 services provided to political subdivisions. The fee for 911 wireless services must be charged to and paid by the political subdivision receiving services from the division under this section from and after the date of the agreement entered into by the political subdivision or its designee under section 57-40.6-05, whether the date of that agreement is before or after April 4, 2003. Each county currently receiving 911 services from the division shall abide by the standards established by law.